

FILED

July 8 2008

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

McCURDY LAW FIRM P.C.

Professional Center Building
17 Third Avenue East
Polson, Montana 59860

KEITH W. McCURDY

Attorney and Counselor at Law

Telephone (406) 883-4393

Fax (406) 883-2425

July 7, 2008

Montana Supreme Court
P.O. Box 203003
Helena, MT 59620-3003

Re: Proposed 2008 amendment by
adding proposed Rule 3.10 to the
Montana Code of Judicial Conduct

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Your Honors:


I am sure you are all aware of the expression, "If it's not broke, don't fix it." The proposed 2008 Montana Code of Judicial Conduct Rule 3.10 is unnecessary. I have practiced law under the existing rule in rural Lake County for 45 years. The justices of the peace and city court judges have historically been non-lawyers. There have been, in my experience, non-lawyers serving as justices of the peace who did an exemplary job of administering justice. There have been far more who did not understand the law they were administering.

I campaigned very hard to elect a lawyer justice of the peace in Lake County. Chuck Wall, who was elected in 2001 as Lake County Justice of the Peace, recently told me that he could not continue in the office of the justice of the peace without supplementing his \$46,000 salary with a part-time legal practice. I suspect that other lawyer justices of the peace feel the same way.

It will be a step backwards in the administration of justice to create a rule which will, for all practical purposes, eliminate lawyers as justices of the peace and city judges. I have not experienced or been made aware of problems resulting from the justices of the peace engaging in part-time civil practices. I respectfully encourage the court to not accept Rule 3.10 as proposed by the Commission on the Code of Judicial Conduct.

Sincerely yours,

McCURDY LAW FIRM, P.C.


Keith W. McCurdy

KWM: wrc